EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0440-MLM-E **TCEQ ID:** RN102131034 **CASE NO.:** 35543

RESPONDENT NAME: Lake Whitney Resorts, LLC and Paul S. Bissing

ORDER TYPE:					
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING			
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER			
AMENDED ORDER	_EMERGENCY ORDER				
CASE TYPE:					
AIR	X_MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE			
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
X WATER QUALITY					
X_MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
OTHER SIGNIFICANT MATTERS: A ground at the Site. There is no record of ad INTERESTED PARTIES: A complaint w Agenda. COMMENTS RECEIVED: The Texas	No complaint was received on January 11, 2008, alleg ditional pending enforcement actions regarding the ras received, but the complainant has not expresse egister comment period expired on September 1, 2	nis Site. ed a desire to protest this action or to speak at 2008. No comments were received. nforcement Team 1, MC 169, (254) 761-3034;			

RESPONDENT NAME: Lake Whitney Resorts, LLC and Paul S. Bissing

DOCKET NO.: 2008-0440-MLM-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED 1000 1000 Type of Investigation: Total Assessed: \$14,375 Corrective Actions Taken: X Complaint ___ Routine Total Deferred: \$0 The Executive Director recognizes that on __Expedited Settlement March 5, 2008, the Respondents submitted Enforcement Follow-up X Records Review an application to obtain approval for the discharge of wastewater under a Texas Financial Inability to Pay Pollutant Discharge Elimination System Date(s) of Complaints Relating to this Case: January 11, 2008 SEP Conditional Offset: \$0 Permit. Date of Investigation Relating to this Ordering Provisions: Total Paid (Due) to General Revenue: \$550 (remaining \$13,825 due in 35 monthly Case: December 5, 2007 and January 11, payments of \$395 each) The Order will require the Respondent to: a. Immediately upon the effective date of Date of NOV/NOE Relating to this Case: Site Compliance History Classification this Agreed Order, cease all unauthorized December 21, 2007 and February 13, 2008 ___ High ___ Average ___ Poor discharges from the Site. Person Compliance History Classification b. Within 30 days after the effective date Background Facts: This was a record ___ High ___ Average ___ Poor of this Agreed Order: review and an investigation. Major Source: Yes X No i. Remediate the areas where the WATER unauthorized discharges occurred (Lot Applicable Penalty Policy: September 2002 #202 on Holiday Rambler Drive, Lot #145 1) Failure to obtain proper authorization at the intersection of Ranchview Drive and for the treatment and disposal of domestic Findings Orders Justification: The Prevost Drive, and behind the community wastewater [30 TEX. ADMIN. CODE Respondent has three or more enforcement bathrooms on Holiday Rambler Drive); § 305.42(a) and TEX. WATER CODE § actions (NOVs) for the same violation over the 26.121(a)]. prior five year period. ii. Remove all waste, including the metals, 2) Failure to prevent the unauthorized discharge of wastewater into or adjacent to battery, telephone poles, tires, propane water in the state [TEX. WATER CODE cylinders, asbestos-cement pile, and drum, and dispose of at a TCEQ authorized § 26.121(a)]. facility. WASTE c. Within 45 days after the effective date of this Agreed Order, submit written 3) Failed to properly dispose of municipal certification of compliance with Ordering solid waste [30 TEX. ADMIN. CODE § Provisions a and b, in accordance with 330.15(a)]. Ordering Provision f below. d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing. e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained, in accordance with Ordering

RESPONDENT NAME: Lake Whitney Resorts, LLC and Paul S. Bissing **DOCKET NO.:** 2008-0440-MLM-E

Page 3 of 3

Provision f below. f. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a through e.

Additional ID No(s).: OSS/1090816/CO

Policy Revision 2	_	ation Worksheet (P	CW)	hruan, 20, 2008
TCCO	Зерсетвет 2002)		PCV/ Revision Feb	Jiuary 29, 2008
DATES Assign	ned 19-Feb-2008			4,
	CW 14-Mar-2008 Screening 14-Mar-2	2008 EPA Due]	
	· · · · · · · · · · · · · · · · · · ·			ettikletiinaleksiteksiteet ole on apolloon tara had
RESPONDENT/FACIL				_
	ent Lake Whitney Resorts, LLC and Paul S	S. Bissing		
	No. RN102131034		10.4*	_ ` ;
Facility/Site Reg	on 9-vvaco	Major/Minor Source	Minor	
CASE INFORMATION	A A Secretary Manager Commence of the Commence			
Enf./Case ID I		No. of Violations	2	–
Docket I	No. 2008-0440-MLM-E	Order Type		-
	(s) Water Quality	Enf. Coordinator		\dashv
	dia Municipal Solid Waste		Enforcement Team 1	-
	\$ Limit Minimum \$0 Maximum			_
Say and the say and the say of th			. 27. — 1. — 1. — 1. — 1. — 1. — 1. — 1. —	AND THE PERSON NAMED IN COLUMN TO A COLUMN TO SERVICE OF THE PERSON NAMED IN C
	Penalty Cald	culation Section		
1 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2		Section 1 - April 2 and the Balton Baylon agreement an experience of the contract of the contr	1 1 1 1 1 1 1	
TOTAL BASE PEN	IALTY (Sum of violation base pen	nalties)	Subtotal 1	\$12,500
		entropic appropriet in very permitting of a large section	The second secon	
ADJUSTMENTS (4	-/-) TO SUBTOTAL 1			tipe water 1
Subtotals 2-7 are of Compliance F	obtained by multiplying the Total Base Penalty (Subtotal listory		14-14- 2- 2- 0-7	64 075
Compliance	handard and a second a second and a second a	***************************************	otals 2, 3, & 7	\$1,875
No.	The penalty is enhanced due to three			
	similar to those cited	d in this action.	·	
nien			·	
Culpability	No	0% Enhancement	Subtotal 4	\$0
	7 B			
No	tes The Respondents do not mee	et the culpability criteria.		
Good Faith Et	fort to Comply	0% Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement	: Offer		,
Extraordi	-			
Ordii		·		
	N/A (mark with x)		1	
. No	tes The Respondents do not mee	et the good faith criteria		
77.7	marine s.			
	Total EB Amounts \$730 *C	0% Enhancement* Capped at the Total EB \$ Amount	Subtotal 6	\$0
App	rox. Cost of Compliance \$6,650	papped at the Total ED & Amount		
	<u> </u>			
SUM OF SUBTOTA	ALS 1-7	F	inal Subtotal	\$14,375
winds, in the second se	and the second of the second o	karrenne kale drom mind skilde stramförde blade i före kolomit i förde blade i den kale de se en en en en en s Til en	i in the stage of the state of	
OTHER FACTORS	AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
Reduces or enhances the Fir	nal Subtotal by the indicated percentage.	######################################		
Notes				
	•	Final Per	nalty Amount	\$14,375
and the second s		or property and the second	ent on the third of the control of the control	
STATUTORY LIMI	Γ ADJUSTMENT	Final Asse	ssed Penalty	\$14,375
The second secon	the state of the second		and the state of t	
DEFERRAL		0% Reduction	Adjustment	\$0
Andrew Scheneller and the Control of	Penalty by the indicted percentage. (Enter number or	182 14 183 1	, 500, T. Abinovida, 1,046, 2007	
			,	
Notes	No deferral is recommende	ed for Findings Orders.	·	
			•	

\$14,375

Screening Date 14-Mar-2008

Docket No. 2008-0440-MLM-E

PCW

Respondent Lake Whitney Resorts, LLC and Paul S. Bissing

Case ID No. 35543

Policy Revision 2 (September 2002)
PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102131034 Media [Statute] Water Quality Enf. Coordinator Lynley Doyen

Compliance History Worksheet

	Number of Er Written NOVs with same or similar violations as those in the current enforcement action	nter Number Here	
NOVs	(number of NOVs meeting criteria)	3	15%
	Other written NOVs	. 0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleasi	e Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pe	ercentage (S	ubtotal 2)
eat Violator (Su	ibtotal 3)		
N/A	Adjustment Pe	rcentage (S	ubtotal 3)
npliance History	Person Classification (Subtotal 7)	State of the state	
N/A	Adjustment Pe	ercentage (S	ubtotal 7)
npliance History	/ Summary		
Compliance History Notes	The penalty is enhanced due to three NOVs with violations same or similar to those cited in	this action.	
	Total Adjustment Percentage	(Subtotale	2, 3, & 7)
	i otal Adjustilient i el centage	Ouniciais.	L, U, U //

Screening Date					lo. 2008-0440)-MLM-E	OMERS TO AN OWNER WAS TO SEE	PCV	V
	t Lake Whitney	Resorts, LLC	and Paul S.	Bissing		•		rision 2 (September 20	1
Case ID No							PCW R	evision February 29, 20	208
Reg. Ent. Reference No Media [Statute								*	-
Enf. Coordinator									- 1
Violation Numbe									1
Rule Cite(s	\ \					——————————————————————————————————————			1
itule cite(s	″ 30 ⊤	ex. Admin. C	ode § 305.42	(a) and Te	ex. Water Code	e § 26.121(a)			-
Violation Description	wastewater, at the Responde	s documente ents treated a lece of prope	ed during a rec and disposed	cord reviev of more th a consolid	w on Decembe nan 5,000 gallo lated Texas Po	sposal of domes r 5, 2007. Spec ons of sewage p ollutant Dischard	ifically, er day		tion of develope of the entire measurable and of course measure inc.
	. •					Base F	enalty	\$10,0	00
>> Environmental, Property	and Human I	lealth Mat	rix		Sir alistation service	Marian produce			-
	Maine	Harm	Nationale						
OR Release	r	Moderate	Minor	7				•	
Potentia				1	Percent	0%			
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1									
>>Programmatic Matrix	:3 196 :3							Ę.	į
Falsification	Major	Moderate	Minor	a .	Percent	10%			
	X			4	rescent	1076]			À
Matrix Notes		100% of the	rule requiren	nent was n	not met.				Anna a service arrange arrange
		5. II.		11.00	Adjustment		\$9,000	17 .	
		S 52 8 72 8 8 8 9 1 2 3 1		C C C C C C C C C C C C C C C C C C C		1			
							L	\$4,0	00
Violation Events									A. d. a
Number of Vi	olation Events	4		100	Number of	violation days			
	daily monthly		,						Opportunition areas, in quarters
mark only one	quarterly	X			V	iolation Base F	enalty	\$4,0	000
with an x	semiannual annual single event								arrange arrange
	Single event]						
Four mor	thly events are i		ed from the reing date (Marc			nber 5, 2007) to	the		
Economic Benefit (EB) for th	is violation				Statutor	y Limit Test			
Estimate	d EB Amount	· · · · · · · · · · · · · · · · · · ·	\$647]	Violatio	on Final Penalt	y Total	\$4,6	00
		T	hie violetie-	Einal Ac-	occod Donell	y (adjusted for	limite\	\$4,6	00
			เกอ ขาบเสมบัก	ı mai ASS	esseu Fendii	y (aujusteu iti	mints)	φ4,0	-50

	E	conomic	Benefit W	orks	heet		
Respondent	Lake Whitney F	Resorts, LLC and F	aul S. Bissing	4.45.5.45	33 N. J. 112 J. 1	and the second of the second o	
Case ID No.	. 35543	·	Ü				
Reg. Ent. Reference No							
——————————————————————————————————————	Water Quality						Years of
						Percent Interest	Depreciation
Violation No	. 1					1 - 1 - 1 - 1 - 1 - 1 - 1	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		a prediĝi	र्शकाओं त	63% (BB)	a managa a tantada na managa Z	
Deleved Code			i na kalang gerbak				
Delayed Costs		- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		7 0.0	\$0	\$0	\$0
Equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Buildings				0.0	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0 \$0	\$0 \$0
Engineering/construction				0.0	\$0	n/a	\$0 \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal	\$5,000	29-Aug-2006	31-Mar-2009	2.6	\$647		\$647
Permit Costs	\$5,000	29-Aug-2006	31-War-2009	0.0	\$047	n/a n/a	\$0 \$0
Other (as needed)			1			and the second	
Notes for DELAYED costs	Estimated cos		obtaining a TPDES tain a permit. Fina			he date the Respone of compliance.	dents were first
Notes for DELAYED costs		notified to ob	tain a permit. Fina	al date is	the expected date		
		notified to ob	tain a permit. Fina	al date is	the expected date	of compliance.	osts)
Notes for DELAYED costs Avoided C <u>osts</u>		notified to ob	tain a permit. Fina	al date is entering	the expected date	of compliance.	
Notes for DELAYED costs Avoided Costs Disposal Personnel		notified to ob	tain a permit. Fina	al date is entering 0.0	item (except for	one-time avoided c	osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal		notified to ob	tain a permit. Fina	entering 0.0 0.0	item (except for \$0 \$0	one-time avoided c	osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		notified to ob	tain a permit. Fina	entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		notified to ob	tain a permit. Fina	entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		notified to ob	tain a permit. Fina	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		notified to ob	tain a permit. Fina	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	14-Mar-2008			Dock	ket No. 2	2008-044	0-MLM-E			. P(CW
	R	Respondent	Lake Whitney	/ Resorts, LL	C and Paul S	. Bissin	ng			Poli	cy Revision	2 (September	r 2002)
	(Case ID No.	35543							P	CW Revisi	on February 29	9, 2008
Reg.	. Ent. Ref	ference No.	RN10213103	4									
		lia [Statute]											
	Enf. C	Coordinator _.	Lynley Doyer	l •									
	Viol	ation Number	2										
		Rule Cite(s)		:	Tex. Wate	er Code	∋ § 26.121	(a)					
	Violatio	n Description	the state, Specifica location Ranchview	as document lly, the invest s: Lot #202 Drive and Preve. Samples	uthorized dise ted during an tigator observ on Holiday Ra evost Drive, a s taken of the /100 milligran	investig ved was ambler and behi dischar	gation con stewater di Drive, Lot lind the co rges indica	nducted o ischarging #145 at t mmunity ated >2,0	n Januar g from the the inters bathroom 00,000 m	y 11, 2008. e following ection of ns on Holida	ay		AMERIKAN TERPETATUK MEMBENGAN MEMBEN
		,· •						- · · · · ·		Base Pena	alty.	\$1	0,000
										Dase Fella	у [Ψ1	0,000
>> Enviro	nmental	, Property a	nd Human	Health Ma	trix					April 18	,		3
				Harm			1 - y - y y y y y y y y y y y y y y y y	adolesia (h. 1906)					
OR		Release	Major	Moderate	Minor	—						*	94.00
OK .		Actual Potential		X		4		Percent		=0/ l			1
4 1 1		Fotermail		· · · · · · · · · · · · · · · · · · ·	L		г	ercent		5%]			· · ·
>>Progra	mmatic I	Matrix							•				1
3327	olizatel, er zem notez i. z.	Falsification	Major	Moderate	Minor							•	d magnetic to
							F	Percent	(0%			94
							1						- Control
	Matrix Notes	Human health	n or the enviro	nment has b	een exposed this viola		ificant am	ounts of p	oollutants	as a result	of		
	electric August Carrie de comes Carrie (The continue of the second section of the section of			PART WAR IN THE SER & WORLD THE PART WE HAVE	CX:TXLAZCOZO:UMMORIZATION		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~				Mark Land	The state of the s
	202 25955						Ad	justment	<u> </u>	\$7,5	500	1	
											Γ	S.	2,500
											<u> </u>	Ψ.	2,000
Violation	Events	人名萨蒙日	- 新原金湯										100
ALLEGA MARTINI	and a second of the second of	CONTINUE DOCTOR CONTINUE NO TRANSPORTATION CONTINUE NO TRANSPORTATION CONTINUE NO TRANSPORTATION CONTINUE NO T		Maria di Romanda di Coloredo (1801-180)		THE PERSONNEL PROPERTY OF THE PERSONNEL PROP		Thursday Control (Control (Con	201000000000000000000000000000000000000	ATTACON STATE OF THE STATE OF T	ve (2023)#		***************************************
		Number of Vio	lation Events	3			63 1	Number o	f violation	n days		* .	
					i .								
			daily			+ 1							
		mark only one	monthly quarterly	X	1				/iolation	Base Pena	ltv	\$	7,500
		with an x	semiannual annual single event						Totation	Dage Fell			.,000
		Three mo	nthly events a		nded from the ning date (Ma			te (Janua	ıry 11, 20	08) to the			Occasio common operando en commencia en comm
Economi	c Benefit	(EB) for thi	s violation				} }	Statutor	y Limit	Test	9.1		
		Estimated	EB Amount		\$7	7		Violati	on Final	Penalty To	tai	\$	8,625
•													0.605
					This violation	on Fina	u ASSESSE	ea renalt	y (adjusi	ea tor limi	(S)[5	8,625

	L E	conomic	Benefit W	orks	heet	วาราสตร์	
Respondent	Lake Whitney R	esorts. LLC and I	Paul S. Bissing			The graph of the state of the s	
Case ID No.		,					
Reg. Ent. Reference No.							
	Water Quality						Years of
	•					Percent Interest	Depreciation
Violation No.	, 2						•
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	in a statistic or	1, 4 etc. 3, 2001				
usin Essanbush	, ito gammao or o						
Delayed Costs	18048	200 July 18 18 18 18 18 18 18 18 18 18 18 18 18	e i en grava engagen i gegin digagen. Santa angaran	a en la la	* . * . * . * * * * *	1.44.0404	
Equipment	\$1,000	11-Jan-2008	31-Oct-2008	0.8	\$3	\$54	\$56
Buildings	41,000	11 Carr 2000	01 001 2000	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	1 n/a	\$0
Training/Sampling				0.0	\$0		\$0
Remediation/Disposal	\$500	11-Jan-2008	31-Oct-2008	0.8	\$20	n/a	\$20
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
(··)	Estimated co	st to remove and	nronerly disnose o	f the was	tewater disinfect	the contaminated ar	ea, and make
Notes for DELAYED costs	repairs to the	septic system to p	prevent future unau Final date is the e	ithorized expected	discharges. Date date of compliance	and the second	stigation date.
Notes for DELAYED costs Avoided Costs	repairs to the	septic system to p	prevent future unau Final date is the e	ithorized expected	discharges. Date date of compliand item (except for	e required is the inve e. one-time avoided c	stigation date.
Notes for DELAYED costs Avoided Costs Disposal	repairs to the	septic system to p	prevent future unau Final date is the e	thorized expected entering 0.0	discharges. Date date of compliand item (except for \$0	e required is the inve se. one-time avoided c	osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel	repairs to the	septic system to p	prevent future unau Final date is the e	thorized expected entering 0.0 0.0	discharges. Date date of compliance item (except for \$0 \$0	e required is the inve	osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	repairs to the	septic system to p	prevent future unau Final date is the e	entering 0.0 0.0 0.0	discharges. Date date of compliance item (except for \$0 \$0 \$0	e required is the inverse. one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	repairs to the	septic system to p	prevent future unau Final date is the e	entering 0.0 0.0 0.0 0.0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided c \$0 \$0 \$0 \$0 \$0	stigation date. osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	repairs to the	septic system to p	prevent future unau Final date is the e	ntering 0.0 0.0 0.0 0.0 0.0 0.0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	repairs to the	septic system to p	prevent future unau Final date is the e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided company solution solu	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	repairs to the	septic system to p	prevent future unau Final date is the e	ntering 0.0 0.0 0.0 0.0 0.0 0.0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	repairs to the	septic system to p	prevent future unau Final date is the e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided company solution solu	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	repairs to the	septic system to p	prevent future unau Final date is the e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	discharges. Date date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inverse. one-time avoided company solution solu	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Date 14-Mar-2008		No. 2008-0440-MLM-E	PCW
Respoi	ndent Lake Whitney	Resorts, LLC and Paul S. Bissing		Policy Revision 2 (September 2002)
	D No. 35543			PCW Revision February 29, 2008
Reg. Ent. Reference	e No. RN102131034			de la companya de la
-	atute] Water Quality			
	nator Lynley Doyen			•
Violation N	<u> </u>			
Rule	Cite(s)	30 Tex. Admin. Code	§ 330.15(a)	
Violation Desc	investigation investigation	properly dispose of municipal solid conducted on January 11, 2008. Setals, a battery, telephone poles, tir and a drum with unknown contents disposed of on th	Specifically, the investigator obseres, propane cylinders, an asbes totaling approximately ten cubic	erved tos-
			Base P	enalty \$10,000
>> Environmental, Prop	erty and Human I	lealth Matrix		
The second secon	a rangan (i Sept. 1935), sidika dibendendin di diki di disebut di diduki di diki di di diki di dibendiki di di	Harm	Allander Bellete in The Art Committee Committee Committee Committee Committee Committee Committee Committee Co	,
Make an An Angolog Salan and A	elease Major	Moderate Minor	* * * * * * * * * * * * * * * * * * * *	
OR	Actual otential	X	Percent 10%	
	Diential		reitelli 10%	0.0
>>Programmatic Matrix				
	cation Major	Moderate Minor	180, 80, 90, 100, 100, 100, 100, 100, 100, 100	
			Percent 0%	O'Common and an and an
Matrix Huma	n health or the enviro	ment has been exposed to insignifi	icant amounts of pollutants as a	result
Notes		of this violation.		
			uut ka	
			Adjustment	59,000
			Aujustment	<u>19,000</u>]
				\$1,000
Violation Events				
Numbe	er of Violation Events	1 63	Number of violation days	
, manned	. or violation Evolution		Transcror violation days	
	daily			
	monthly			
mark o		. X	Violation Base P	enalty \$1,000
with	3Cimaringai			
	annual single event		•	
	angle event			
On	e quarterly event is re	commended based on the investiga		he
·		screening date (March 14, 20	vo).	
Economic Benefit (EB)	for this violation		Statutory Limit Test	
Est	timated EB Amount	\$6	Violation Final Penalty	Total \$1,150
			_	
		This violation Final As	ssessed Penalty (adjusted for	limits) \$1,150

	, E(conomic l	Benefit W	orks	heet		
Respondent	Lake Whitney R	esorts, LLC and P	aul S. Bissing				
Case ID No.	. 35543		•				
Reg. Ent. Reference No.	. RN102131034						
The state of the s	Water Quality					A CONTRACTOR CONTRACTO	Years of
Violation No.						Percent Interest	Depreciation
Violation No.	. 0					5.0	
				4.55		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$			sa ala A	agramatic		
Delayed Costs	Nama Salaharan	Section - Next - Constitution	Company of the engineering of th	organija po 1 Naslama etc	ng menganggan German Proposition and States		
Equipment				0.0	\$0	\$0	.,\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)			1 . 1 . 1.	0.0	\$0	\$0	\$0
Engineering/construction		•		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$150	11-Jan-2008	31-Oct-2008	0.8	\$6	n/a	\$6
Permit Costs			<u> </u>	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	Estimated	cost to romavo an	d proportividienoee	of the it	ome at the illegal.	tumo cito. Dato rea	uired is the
Notes for DELAYED costs		investigat	ion date. Final da	te is the	expected date of		
Avoided Costs		investigat	ion date. Final da	te is the	expected date of item (except for	compliance.	osts)
Avoided Costs		investigat	ion date. Final da	te is the	expected date of item (except for \$0	compliance. one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel		investigat	ion date. Final da	ntering	item (except for \$0 \$0	compliance. one-time avoided c \$0 \$0	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		investigat	ion date. Final da	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	compliance. pone-time avoided c \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0 0.0 0.0	expected date of item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	(sots) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	expected date of	compliance. so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	expected date of	compliance. so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		investigat	ion date. Final da	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	expected date of	compliance. so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History CN601159247 BISSING, PAUL S Classification: Ratina: Customer/Respondent/Owner-Operator: RN102131034 LAKE WHITNEY RV & GOLF Classification: Site Rating: Regulated Entity: ON SITE SEWAGE FACILITY PERMIT 1090816 ID Number(s): 255 SUN COUNTRY DR, HILL CO, TX Location: TCEQ Region: REGION 09 - WACO Date Compliance History Prepared: March 05, 2008 Agency Decision Requiring Compliance History: Enforcement March 05, 2003 to March 05, 2008 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Lynley Doyen Phone: 512-239-1364 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. В. Any criminal convictions of the state of Texas and the federal government. N/A С Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 10/29/2003 (150972) 2 10/27/2006 (514505) 3 01/16/2007 (531306) 4 02/20/2008 (619095) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 03/09/2004 (263559) Self Report? NO Classification: Minor Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) Description: Failure to prevent an unauthorized discharge. Date: 08/29/2006 (490192) Self Report? NO Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 285, SubChapter A 285.3(g)(1) 5B THC Chapter 366, SubChapter A 366.0512(2) Description: Failure to obtain a General Permit for Waste Discharges for systems that cumulatively treat and dispose of more than 5,000 gallons of sewage per day on one piece of property. Self Report? NO Classification: Moderate

of the state.

Date: 12/07/2006 (534487)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent the discharge of wastewater into or adjacent to water in the

Description: Failure to prevent the discharge of domestic sewage into or adjacent to waters

state without authorization from the Commission.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Environmental audits.

N/A

Sites Outside of Texas

F.

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	,
CONCERNING	§	TEXAS COMMISSION ON
LAKE WHITNEY RESORTS, LLC	§	V
AND PAUL'S. BISSING	§	,
RN102131034	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0440-MLM-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lake Whitney Resorts, LLC and Paul S. Bissing ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondents own and operate an on-site sewage facility at a recreational vehicle park located at 255 Sun Country Drive in Hill County, Texas (the "Site").

The state of the s

The second of the control of the second o

and the second of the second o

Committee of the state of

en de la composition La composition de la La composition de la

- 2. The Respondents have discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 4. During a record review on December 5, 2007, TCEQ staff documented that the Respondents treated and disposed of more than 5,000 gallons of sewage per day on one piece of property.
- 5. During an investigation on January 11, 2008, TCEQ staff observed wastewater discharging from the following locations: Lot #202 on Holiday Rambler Drive, Lot #145 at the intersection of Ranchview Drive and Prevost Drive, and behind the community bathrooms on Holiday Rambler Drive. Samples taken of the discharges indicated >2,000,000 most probable number/100 milliliters for Escherichia coli.
- 6. During an investigation on January 11, 2008, TCEQ staff observed assorted metals, a battery, telephone poles, tires, propane cylinders, an asbestos-cement pile, and a drum with unknown contents totaling approximately ten cubic yards disposed of on the Site.
- 7. The Respondents received notices of the violations on December 26, 2007 and February 18, 2008.
- 8. The Executive Director recognizes that on March 5, 2008, the Respondents submitted an application to obtain approval for the discharge of wastewater under a Texas Pollutant Discharge Elimination System ("TPDES") Permit.

II. CONCLUSIONS OF LAW

- 1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 4, the Respondents failed to obtain proper authorization for the treatment and disposal of domestic wastewater, in violation of 30 Tex. ADMIN. CODE § 305.42(a) and Tex. Water Code § 26.121(a).
- 3. As evidenced by Findings of Fact No. 5, the Respondents failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a).
- 4. As evidenced by Findings of Fact No. 6, the Respondents failed to properly dispose of municipal solid waste, in violation of 30 TEX. ADMIN. CODE § 330.15(a).

Andrew Communication of the Co

en de la companya de la co

(x,y) = (x,y) + (x,y

A Company of the Comp

and Andrew A Andrew A

Lake Whitney Resorts, LLC and Paul S. Bissing DOCKET NO. 2008-0440-MLM-E Page 3

- 5. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of Fourteen Thousand Three Hundred Seventy-Five 6. Dollars (\$14,375) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondents have paid Five Hundred Fifty Dollars (\$550) of the administrative penalty. The remaining amount of Thirteen Thousand Eight Hundred Twenty-Five Dollars (\$13,825) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Ninety-Five Dollars (\$395) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed an administrative penalty in the amount of Fourteen Thousand Three Hundred Seventy-Five Dollars (\$14,375) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lake Whitney Resorts, LLC and Paul S. Bissing, Docket No. 2008-0440-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office; MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.

na warwasan wakalan na na daga

CARLOS AND CONTRACTOR OF THE CONTRACTOR

- 3. The Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges from the Site.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Remediate the areas where the unauthorized discharges occurred (Lot #202 on Holiday Rambler Drive, Lot #145 at the intersection of Ranchview Drive and Prevost Drive, and behind the community bathrooms on Holiday Rambler Drive); and
 - ii. Remove all waste, including the metals, battery, telephone poles, tires, propane cylinders, asbestos-cement pile, and drum, and dispose of at a TCEQ authorized facility.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a and 3.b, in accordance with Ordering Provision No. 3.f below.
 - d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.
 - e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained, in accordance with Ordering Provision No. 3.f below.
 - f. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a through 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Lake Whitney Resorts, LLC and Paul S. Bissing DOCKET NO. 2008-0440-MLM-E Page 5

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

Tea Tea Connection (1987) And the Connection of the Connection (1987) The Connection (1987) And the Connection (1987)

and the control of the first term of the control of and the state of t

Lake Whitney Resorts, LLC and Paul S. Bissing DOCKET NO. 2008-0440-MLM-E Page 6

- 10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Andrew Communication of the Co

Lake Whitney Resorts, LLC and Paul S. Bissing DOCKET NO. 2008-0440-MLM-E Page 7

For the Commission

SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order in the matter of Lake Whitney Resorts, LLC and Paul S. Bissing. I am authorized to agree to the attached Agreed Order on behalf of Lake Whitney Resorts, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Lake Whitney Resorts, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

Date 9/27/2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I agree to the terms of the Agreed Order in lieu of an evidential full and final adjudication by the Commission of the violations	ary hearing. This Agreed Order constitutes set forth in this Agreed Order.
I also understand that failure to comply with the Ordering Proving Pro	risions, if any, in this order and/or failure to
ment pay the penanty amount, may result in:	•
A negative impact on compliance history;	
• Greater scrutiny of any permit applications submitted;	
 Referral of this case to the Attorney General's Office penalties, and/or attorney fees, or to a collection agency 	for contempt, injunctive relief, additional
 Increased penalties in any future enforcement actions; 	,
Automatic referral to the Attorney General's Office of	ony fivora entonomiana
TCEQ seeking other relief as authorized by law.	any fature entorcement actions; and
In addition, any falsification of any compliance documents may	Tromate in anima and
Paul 1 Bism	5/29/04
Signature	
	Date
PAUL S. Bissing	<u>owner</u>
Name (Printed or typed)	Title
Authorized Representative of	Title
Lake Whitney Resorts, LLC	
Instructions: Send the original, signed Agreed Order with penalty payment to Section at the address in Section IV Pergraph Location and the address in Section IV.	o the Financial Administration Division, Revenues

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Alexander St.

For the Commission

9/27/2008

Lake Whitney Resorts, LLC and Paul S. Bissing DOCKET NO. 2008-0440-MLM-E Page 8

SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order in the matter of Lake Whitney Resorts, LLC and Paul S. Bissing. I am authorized to agree to the attached Agreed Order on behalf of Paul S. Bissing and do agree to the specified terms and conditions. I further acknowledge that the TCEQ,

in accepting payment for the penalty amount, is materially relying on such representation.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I understand that by entering into this Agreed Order, I waive certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.	
I also understand that failure to comply with the Ordering Provitimely pay the penalty amount, may result in: A negative impact on compliance history;	sions, if any, in this order and/or failure to
• Greater scrutiny of any permit applications submitted;	•
• Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;	
 Increased penalties in any future enforcement actions; 	•
Automatic referral to the Attorney General's Office of any future enforcement actions; and	
• TCEQ seeking other relief as authorized by law.	
In addition, any falsification of any compliance documents may result in criminal prosecution.	
Haul & Birn	5/29/08
Signature	Date
PAUL S. BISSING	_ owner
Name (Printed or typed)	Title
Authorized Representative of	
Paul S. Bissing	
Instructions: Send the original, signed Agreed Order with penalty payment to	the Financial Administration Division, Revenues

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

in the second se

TO SAME BAR DOSE WITH

the state of the s

en en la composition de la composition en la composition de la la composition de la composition della composition della

en de la companya de la co